

**URBANISATION AND THE CHALLENGES OF DEVELOPMENT CONTROLS IN GHANA:
A CASE STUDY OF WA TOWNSHIP**

Abubakari Ahmed and Romanus Dogkubong Dinye
Centre for Settlement Studies, Kwame Nkrumah University of Science and Technology, Kumasi

ABSTRACT

Amidst rapid rate of population growth and urbanization, the demand for land for various uses has become many and varied. With this, comes an increasing complexity of issues concerned with urban land use planning, coordination and control. Such complexities call for a more holistic and comprehensive approach to urban spatial development planning and control to ensure coordinated and harmonious development of our urban settlements so as to create environments that are health promoting, aesthetically pleasing, and yielding to economic efficiency of urban systems.

This study therefore seeks to assess the enforcement development control measure by physical planning agencies to highlight the effects, challenges and the way forward to spatial transformation in Wa. Implementation of land use plans and planning standards are key challenges in the enforcement of development controls. These key issues that are emanating are enforcement capacity and unregulated practices (Capacity and Regulations). This spells out the key challenges of the enforcement of development control in Wa. There are three instruments of development control namely legislation, Planning and approval process and Monitoring and evaluation.

Keywords: Development, Development Control, urban management, urban sprawl

INTRODUCTION

A salient feature in recent literature that is gaining growing recognition in human settlements transformation is urbanisation. As such, management of this growth in urban areas is critical for individuals, communities, social activists (new clergy of planning arena) and government. This is because it impacts on the provision of social services and spatial organisation. The centripetal nature of the growth of cities creates intense pressure on the economic and spatial structure of urban system which includes service facilities comprising hospitals, educational institutions, housing, transport, telecommunication systems and energy supply. Since the provision of these facilities tend to be at rate slower than that of the growth of the urban population in developing countries, a wide margin between the demand and supply of urban infrastructural facilities and services is created (Olayiwola et al 2006).

As rural settlements grow and become urban centres, and urban centres do so and become large Municipal areas, there is always increased competition in the demand for land for different purposes. This requires adequate planning and control in

these settlements to ensure harmonious development and functional efficiency. To achieve this fundamental activity, layouts of various land uses such as residential, commercial, industrial, open spaces and recreation, circulation and institutional uses among others are undertaken to standardise and control physical developments and ensure harmonious growth (Aribigbola 2008). According to Oyesiku (1997), the forms and patterns of distribution of structures in general to promote the good health, accessibility, convenience and harmonious land use in environment are a function, to a considerable extent, of the rights and methods of dealing with land development.

Effective urban land control and management particularly in areas with rapid urban sprawl is imperative to tackle the attendant land use problems such as slum formation, rising costs of land, accessibility to urban land for land housing, incompatible use, flooding, overcrowding and congestion among others for the purpose of achieving sustainable city development and ensure the safety and health of the people. In most cases development take precedence over planning. This notwithstanding, the process of accretion has been so rapid in most cases that, efforts at spatial re-organisation and development control are often left behind. The legal structures under which this development control is to be enforced has been identified to be either too weak or inappropriate in addressing the myriad of problems of physical development.

The cumulative effect of this process is seen in the haphazard distribution of land uses and structures without regard to any planning standards, the attendant problems of congestion, the inaccessibility to some activity areas, pollution and other forms of environmental degradation. It is against the background of such experiences that this investigation has sought to examine the enforcement of development control in Wa Township.

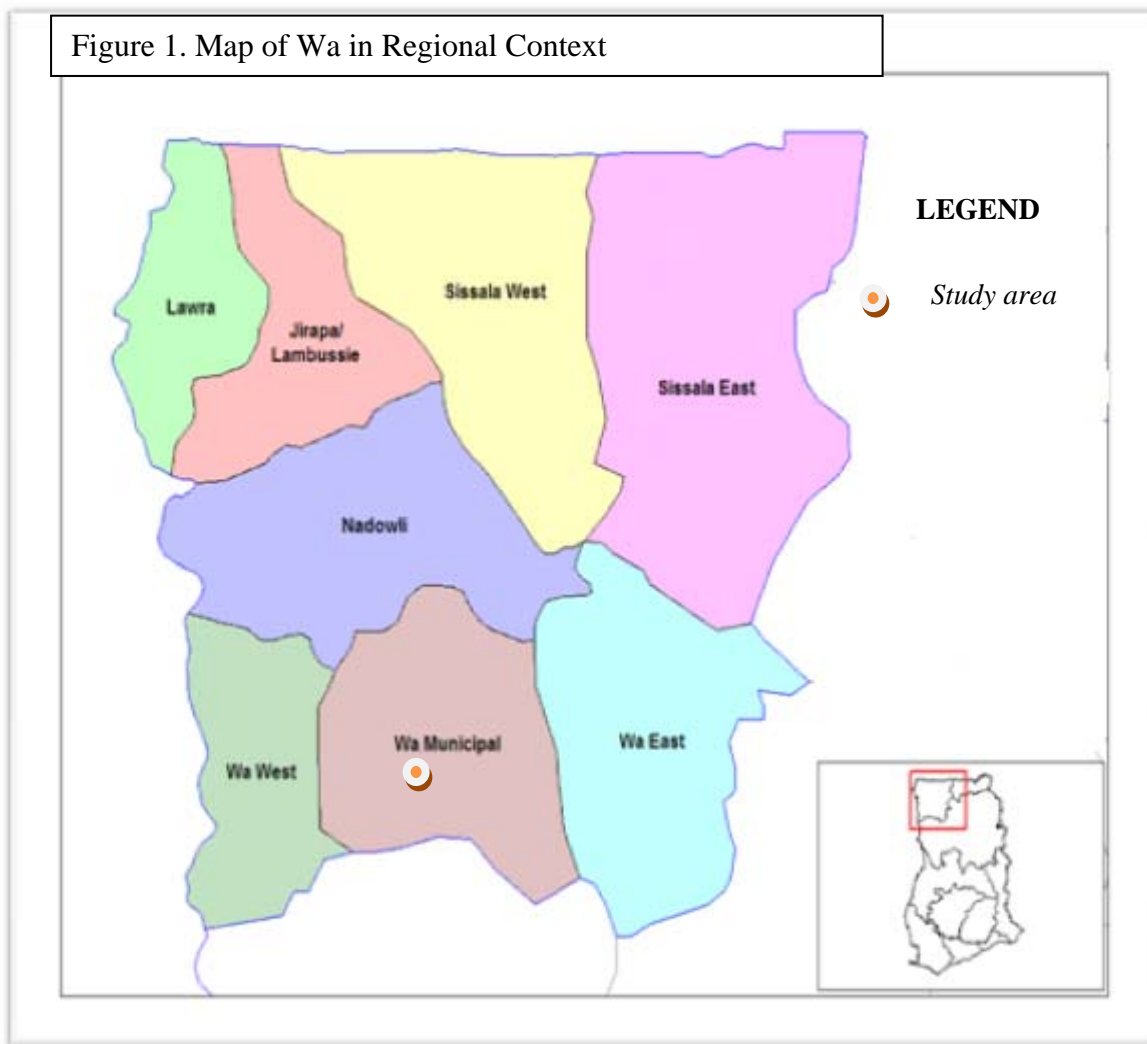
Unplanned and unregulated growth

In many developing countries, effective and efficient land use planning and management is not well established. The most patent manifestation of this is the chaotic state of land use activities in the cities. The physical, economic and social conditions of many African cities have been well documented (UN-HABITAT, 2008). Rapid rates of urbanization have resulted in unplanned and unregulated growth on land. Significantly, the acquisition and development of land is the basis of physical growth. The development control process is subject to plans, regulations and laws. The manifestation of ineffectiveness of the control processes in cities derives to a large extent from the planning, the regulatory and administrative frameworks within which physical development takes place (Owei et al 2010). Although conscious efforts at ensuring harmonious spatial development and environmental sanity in Ghanaian settlements date back to the colonial era, there is not much to physically show for the efforts made. This has resulted from the ineffectiveness of the existing legislations and institutions set up to control development in the urban centres in Ghana.

Contextually, this paper seeks to evaluate past and present attempts at controlling spatial development in the Wa Township in the Wa Municipal Assembly Area of the Upper West Region, Ghana. It outlines the challenges that have and are confronting the development efforts and the effect these have had on the built environment and the people. Geographically, the focus is primarily on the Wa Municipality as a case study of a rapidly growing urban centre in Ghana with its attendant spatial developmental issues. With the opening up of the UDS, the demand for housing units and other social services and amenities has received a tremendous boost. There is therefore the need to assess the capacity of the authorities to effectively deal with the accompanying problems of development control.

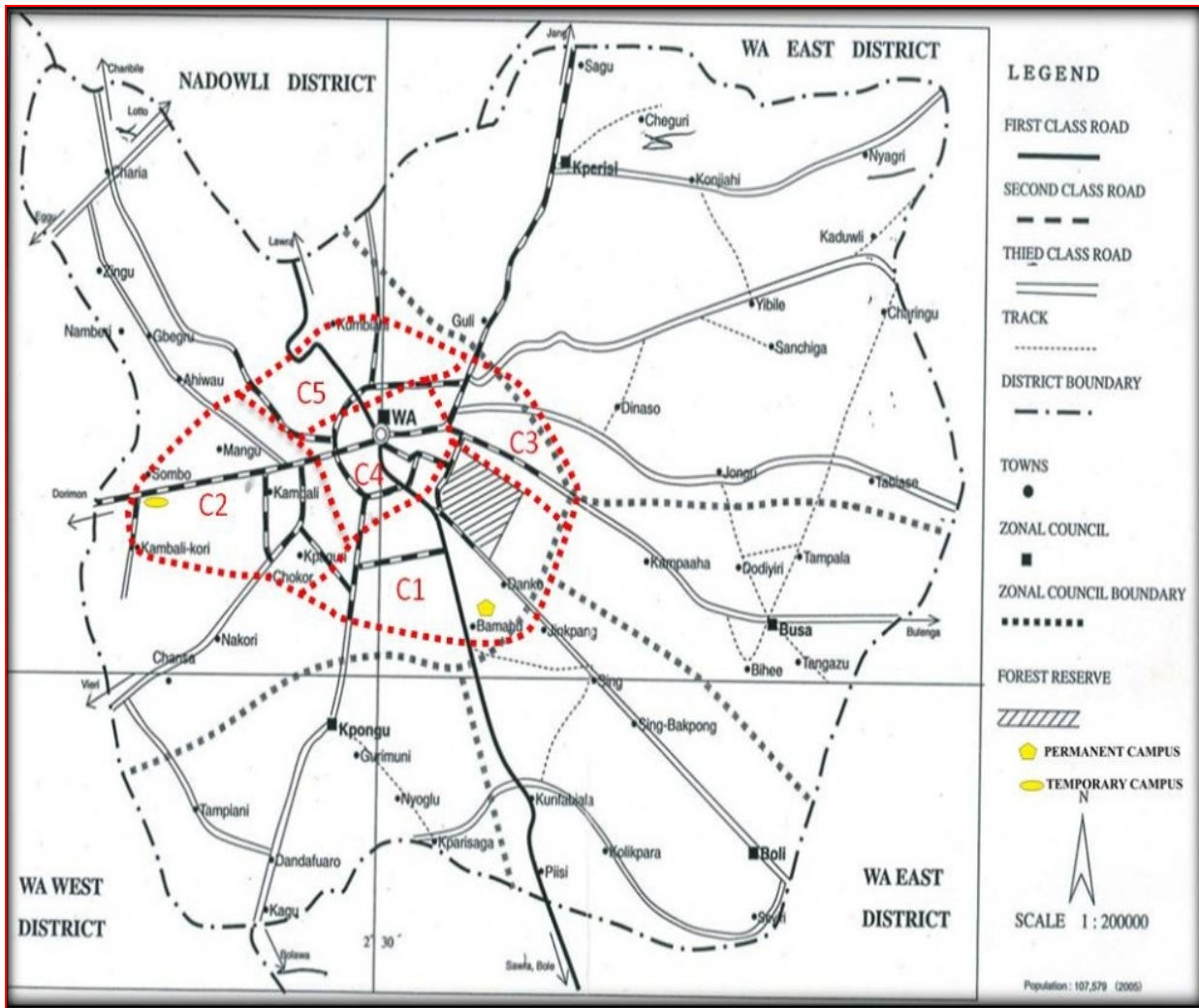
WA TOWN IN WA MUNICIPAL AREA

Wa is the capital town of the Wa Municipal Assembly Area as well as the regional capital of the Upper West Region of Ghana. It has an estimated population of 96,818 people (UN-HABITAT 2010). This is further growing at a rate of 2.7 per cent per annum (Ghana Statistical Service 2000). The Wa municipal Assembly Area shares boundary to the North-East with Wa East District, North-West with Nadowli District and South-West with Wa West District. Figure 1 shows the map of Wa Municipality with other districts and figure two shows the detailed spatial structure of the Municipality.



Source: Adopted from ghanadistricts.com

Figure 2: Structure Wa Municipality`



Source: Adopted from Ahmed (2011)

With the establishment of University for Development Studies (UDS) (shown yellow on figure 1) and the influx of students and workers, there is a growing demand for infrastructure in the Wa township and the tendency for people to put up buildings and other structures to satisfy their demand without due regard to planning schemes and building regulations thereby leading to haphazard, uncontrolled and uncoordinated development. This situation, more often than not results in the development of sub-standard housing units and other structures at unauthorized places without development and building permit. Shopping centres are developed along major roads are without parking lots encouraging street parking. This reduces vehicular movement and creates traffic and human congestion on the road. Encroachment on lands proposed for public uses such as schools, hospitals, clinics, open spaces and sanitary areas is much eminent in Wa with incompatible land uses resulting in conflicting land uses. Examples are market and school, library and mechanical shop. There is also a gradual encroachment of residential units by commercial development. Landlords especially those along the roads are converting residential units into commercial ventures.

Wa town is currently becoming a ridicule of human activities against the backdrop of the inability of the institutional arrangements and planning legislations to work against the deteriorating effects of unauthorised human activities. The undue delays in processing development applications and the bureaucracy involved are some of the key causes to physical development planning. This study therefore seeks to assess the enforcement development control measure by physical planning agencies to highlight the effects, challenges and the way forward to spatial transformation in Wa.

METHODOLOGY

Both primary and secondary data were used for this study. For the primary data, questionnaires were designed and interviews conducted. The secondary data include literature on concepts and issues related to the study. Table 1 shows a detailed methodology to this study. The units of investigation include landlords, tenants and officers of the land management and the physical planning agencies. These comprise the Lands Commission, Land Title Registry, Survey Department, Lands Valuation Board, Town and Country Planning Department, Office of the Administrator of Stool Land and the Wa Municipal Assembly.

Currently, there is an estimated number of 16,516 houses in Wa. Using the assumption that every landlord is entitled to one house, Wa has 16,516 landlords. Using that as the sampling frame and a confidence level of 90%, 100 household questionnaires were administered to students. An Institutional questionnaire was administered to the land Management and physical planning organization and the Lands Commission, Land title registration, Survey Department, Land Valuation, Town and Country Planning Department, Office of the Administrator of Stool Land) and the Municipal Assembly were also be administered. In table 1 the detail of the type of data and instruments used for collection has been outlined.

Table 1: Data Type and Instrument for Collection

Issue	Data Required	Data Source	Mode of Collection
Main challenges of enforcing development controls	Attempts made, successes and failures	Physical planning agencies	Interview guides and desk study
Effects of development controls on the built environment	Nature of the built environment	Landlords and tenants	Interview guides and Questionnaire
Institutional framework for development controls	Agencies and their roles, past and current policies	Physical planning agencies	Questionnaire and desk study
Prospects and make policy recommendations	Future outlook of the built environment and institutional capacities	Landlords, tenant and agencies	Questionnaire

Source: Authors' construction, 2011

CONCEPTUAL CONSIDERATIONS

Concept of Development

According to Rapley (2007) development has come a long way in the past six decades. As both an enterprise and a scholarly discipline, development became significant in the period immediately following World War II. The Western world became confronted with the new challenge of rebuilding countries—and in Europe, a continent—that had been shattered by war. There arose a tradition of theorizing about the special problems facing backward regions and countries, and the means by which the challenges could be met in such a way as to put these areas on sustainable paths to industrialization. In those days, development was considered largely synonymous with industrialization.

This perspective led to two many approaches to development. According to Szirmai (2005), they are: i) *the fight against poverty* and ii) *The analysis of long-term economic and social development*. The fight against poverty approach focuses on the problems of widespread poverty, hunger and misery in developing countries and on the question of what can be done in order to realize improvements of the situation in the short term. The analysis of long-term economic and social development approach concentrates on comparing developments in different countries, regions and historical periods in order to gain a better understanding of the factors that have long-term effects on the dynamics of socio-economic development. It is within this context that Gunnar Myrdal (1974) defines development “the movement upwards of the entire social system”. The social system may stay stagnant, or it may move upward or downward. It may also “turn around its axis,” a complication that will not be commented upon in this abstract and simplified account. The dynamics of the system are determined by the fact that among all the endogenous conditions, there is a circular causation, implying that if one changes, others will change in response, and those secondary changes in their turn cause new changes all around, and so forth. The conditions and their changes are thus interdependent.

Seers (1967) argued that “the focus on national income as a target for achieving poverty reduction avoided the real problems of development” and recommended “redefining how development was measured” Seers argued “that there is no real ‘development’ when the benefits of technology and progress helped only a small number of people in the developed world, who are already relatively rich.” However, for the purposes of this study, we will restrict ourselves to the definition from the spatial planning point of view. For the purposes of physical planning, development control is the process of carrying out the structural works which changes the use of land, intensity and or existing use. The activities involved in physical development are varied and affect the environment either positively or negatively. There is, therefore, the need to put in place the necessary checks to minimise the adverse effects on the lives of the people within the ambit of development control. This is to ensure efficiency, safety, orderliness, convenience, economy and aesthetic beauty.

Development Control

McLaughlin (1973) defines control in general system as that which provides direction in conformance of variations from system objectives within allowable limits. Hence, “Development control is the process, laid down in legislation, which

regulates the development and use of land and buildings. Development Control serves as a way, whereby, policies are being implemented and unauthorized growth prohibited, promotes local authorities to prevent incompatible land uses.

According to Keeble (1969), the object of a plan (that is a scheme) is that its proposal should be put into practice when even though the match of events may - substantial amendment to be made to the original plan before it is fully implemented. The successful implementation of a plan depends upon the extent to which development carried by many agencies between public and private comply with its proposal. This process is called "Development Control". It "an attempt to ensure that what is arranged before hand is carried out to the letter or decisions are made to reconcile conflicting interest. Development control is to ensure compatibility of various land uses in rural and urban areas (Boakye-Boateng 1997). Development control involves conscious efforts that are geared towards the actualization of proposed land uses on the ground.

Development control facilitates appropriate development, recognizing its significance in building and protecting a healthy economy and a sustainable environment. It also examines the potential impact of the proposed development, protects the public interest from inappropriate development and also involves compliance of all procedures, building codes, standards to ensure that physical plans conform to the approved plans.

To assess the effectiveness of development control in residential areas, there is the need to consider the past problems and how they are being solved. Since development control is placed traditionally after post planning functions, there are numerous problems and differ from place to place. Some of the problems can be categorized as those associated with the defects in the existing legislation which continuous to be constraints faced by the planning agencies in their day to day development control activities.

Some of the defects identified in the process of development control include: i) encroachment provisions in the legislation are weak; ii) the Town and Country Planning Department only advises the District Assembly who are at times reluctant to take action on humanitarian grounds among others; iii) legislative provision are inadequate for the conduct integrated planning.; iv) sanctions are very soft and fail to serve as a deterrent to offenders; and v) the approval procedure for development schemes is cumbersome and adversely bureaucratic a situation that delays approved development and rather promote unauthorized construction.

Development control is a mechanism for ensuring the orderly and progressive implementation or delivery of objectives of the land use plans. The mechanisms involved include compliance or development that requires planning permission, standards, building codes and zoning regulations. The scope of development control is extraordinarily wide. It covers everything for which planning permission is needed, and it extends from creating an international airport to getting permission to cut down and replant a tree which is subject to a tree preservation order (Keeble, 1972).

Groves (2000) conceives development control as the executive arm of the planning process. It is the means whereby policies are implemented, specific land use proposals brought to fruition and unlawful development prevented. It enables a local authority to protect residential areas from inappropriate intrusions, reserve land for new industries, maintain a green belt, keep valuable buildings and trees and prevent ugly signs.

Development control should be regarded as a coherent system of control rather than codified set of “dos” and “don’ts.” It could happen that certain actions or operations may not be acceptable going by such “dos” and “don’ts.” Analytical consequences of such operation could permit its existence, but if found to be harmful to the well being of the individual and the society at large the decision should be otherwise. In spite of the increase in the knowledge of modern planning and an increase in the number of planners, physical development across towns and cities remains an array of chaos and disorder. Numerous factors account for this situation namely, rapid urbanization, exorbitant real estate rents and prices, lack of executive capacity to implement relevant urban and regional planning laws and the ubiquitous Ghanaian factor (Essein et al 2009).

According to Essein et al (2009) development control is seen as a mechanism put in place to maintain standard. It is a process laid down in legislation, which regulates the development and use of land and buildings. It is a professional activity carried out by town planners in order to ensure compliance with an approved master plan thereby ensuring orderliness. It reduces the negative effects that accompany physical development. It can be either pre-development, during development or at post -development stage of a project which is sited in an unapproved location. It is a highly sensitive exercise which must be done with precaution, precision, firmness and with deep sense of responsibility by the authority concerned. Fairness, justice and equity should be the watchwords in development control programmes. If done properly and in a humane manner, it will be widely accepted. However, when it is haphazardly done with bias and favoritism in the society, it could be explosive and may lead to violent reactions from affected members of the community concerned.

Objectives of development control

The development control process is a continuous flow between measuring, comparing and action. All development control policies are to ensure coordination and compatibility of land uses to bring about improvement in the general welfare of people. This ultimate goal to be achieved through the attainment of the following set of objectives. The essence is to: take corrective action, avoid overcrowding, protect the natural environment, ensure physical efficiency and cleanliness of settlements, safe guard life and property; ensure harmonious location of land uses, and reduce or avoid exposure to pollution. Through development control, measures are instituted to regulate activities that pollute the natural and the built environment these activities are located at places where their effects could be minimized. The control measures put in place are in the direction of space and orientation.

Space: A standard distance required is maintained in-between activities. That is, the required standard space is maintained between land uses to allow for the diffusion of noise and other industrial pollutants so that their effects do not impact negatively on the people.

Orientation: Here consideration is given to relative location of two or more buildings. The emphasis is on their alignment rather than the space required. Some instances are when industrial activities that usually generate noise and pollute the air like sawmilling are usually located on the leeward side of the residential area. It also required that individual buildings are aligned in an East-West direction to prevent the direct rays of the sun from entering the rooms and also provide adequate ventilation for the rooms.

Tools of Development Control

Zoning: Zoning is a land use regulation measure where permitted land uses are mapped into zones, separating one land use from another. The term zoning has been variously defined by different scholars and land use experts. Rangwala (2002) defined zoning as “the regulation by law of the use of land and (or) buildings and of the height and density of buildings in specific areas for the purpose of securing convenience, health, safety and general welfare of the community”. Zoning often contain a wide variety of provisions specifying permitted and prohibited uses within particular areas and minimum standards governing lot sizes, building heights and set backs from roads (Kushler,1983). According to Rolleston (1987), economic studies of zoning have specified three general objectives for the adoption of controls.

First and foremost, zoning is used to control negative externalities, primarily through the separation of incompatible land uses. This view is also held by Mills (1979), who argues that “the most basic legal justification for land use controls is the prevention of resource misallocation by unregulated private markets because of external economies or diseconomies, monopoly power, or some other factor”. Secondly, zoning is used to achieve local fiscal objectives. This is often referred to as fiscal zoning. Another prime object for zoning is for ensuring infrastructure capacity. Every given infrastructure be it roads, electricity, sewer lines et cetera have a given capacity. Zoning regulations typically address two issues contained within the question of “What” can be built? This takes into account the following: i) The height, bulk, and sometimes design of buildings (how big they are and how they look; ii) The use the land or a buildings may be put or the kind of activities that are to take place.

Enforcement notice: This is served on any breach of Town Planning Law relating to carrying out of development without planning permission (approval). It relates to illegal building, engineering, mining, change of use and so on. This notice may be served either for demolition of such building without approval, or the restoration of an altered building (Ogundele et al 2011). Non-compliance with an – enforcement order is punishable, though a breach of planning law is not a criminal offence.

Stop work notice: A stop – work order could be issued where it appears to the control department that: (a) An unauthorized development is being carried out or; (b) Where a development does not comply with a development permit issued by the control department. This document is used pending the service of an enforcement notice on the owner, occupier or holder of such property. It takes an immediate effect upon service of such property. The time frame is usually 21 days within which such development shall comply. It shall cease to have effect if within 21 days enforcement notice is not served on its contravener (Ogundele et al 2011).

The Legal Framework of Development Control

The existing practice of development control via all Rules, Regulations, Acts, Fiats and Bills related to it have followed the pattern of the colonial masters. All these attempts at development control are to a large extent, a replica of the ideas and practices developed in Britain. Historically, the practice of development control has entailed a set of measures aimed at putting certain limitations on institutions, agencies and prospective developers. It defines the limits of all structures in the area of development. It further limits landowners by specifying the kind of “operations” that could be allowed on a particular

parcel of land. A legal framework was therefore needed to forestall any possible confrontation that could arise between prospective developers and the planning authorities. It could also serve as the bases upon which developmental issues are considered for permits.

Development Control in Ghana dates back to 1859 when the Municipal Ordinance of 1859 was promulgated to regulate spatial development in the Accra, Cape Coast and Sekondi-Takoradi Municipality. The aim was to place all lands under the ambit and jurisdiction of the governor who had the power to determine the kind of operation that was permissible on a particular parcel of land. This was misconstrued to mean a sabotage to take land from the people so they fiercely resisted and the attempt failed.

Similar attempts between the periods of 1894-1897 failed for the same reasons. Based on the experience from the earlier attempts, the Town & Country Planning Ordinance was promulgated which declared the Town & Country Planning Authority as the final arbiter in land use matters and made all Municipalities Statutory Planning Areas.

In 1925, a new Ordinance that nullified the previous one was put in place called the Town & Country Planning Ordinance aimed at ensuring orderly and progressive development of land, towns and other areas, control of street layout and proper drainage within these areas. The focus was to ensure that the Ordinance promoted a well planned human settlement that conformed with health regulations. This gave birth to the establishment of Health Boards some of which were the Central Health Board and the Kumasi Public Health Board (CAP 13, 1925) as well as the Mining Health Areas (CAP 106, 1926) to deal with sanitary works, water supply, drainage, town planning and housing.

In 1945, a more comprehensive Ordinance was introduced. This was the Town & Country Planning Ordinance (CAP 84) to correct all the lapses of the previous bills and ensure a more “orderly and progressive development of land, towns and other areas, whether Urban or Rural and to preserve and improve the amenities thereof and for other matters connected therewith.

In 1958, CAP 84 was amended with the appointment of a Town Planning Minister. This amendment made the Town & Country Planning Department responsible and accountable to the minister designated to it. Currently, the legal framework for development control in Ghana is contained in the;

- Town & Country Planning Ordinance of 1945, (CAP 84),
- Local Government Act of 1993, (Act 462)
- Act 497 & 480 of 1994,1996 of the National Development Planning Systems and National Development Planning Commission Law respectively
- Towns Act (CAP 86)

Section 5(1) of the Act makes the District Planning Authority the sole agent which has the mandate to grant development permits provisionally or unconditionally in certain situations. It also has the power to refuse development permit of prospective developers. It is meant to ensure strict compliance to the proposals in the scheme they prepare. Section 49 (1) of

the Local Government Act empower the planning Authority to prohibit, remove, abate or demolish any development which is found to be going against the proposals in the scheme.

Development control is further given a boost by the enactment of the National Building Regulations Act of 1996 (LI 1630) which sets to ensure the people live in good houses built with required materials and resisting from any materials which have the tendency of hampering the health of the occupants. These may be achieved through the compliance of a set of standards codified in legislative Instrument, part 8 and 9. It is mainly concerned with ventilation and thermal insulation respectively and part 10 concerns with guiding principles and standards for chimneys' and heat producing appliances in connection with the solid, liquid and gas fuels.

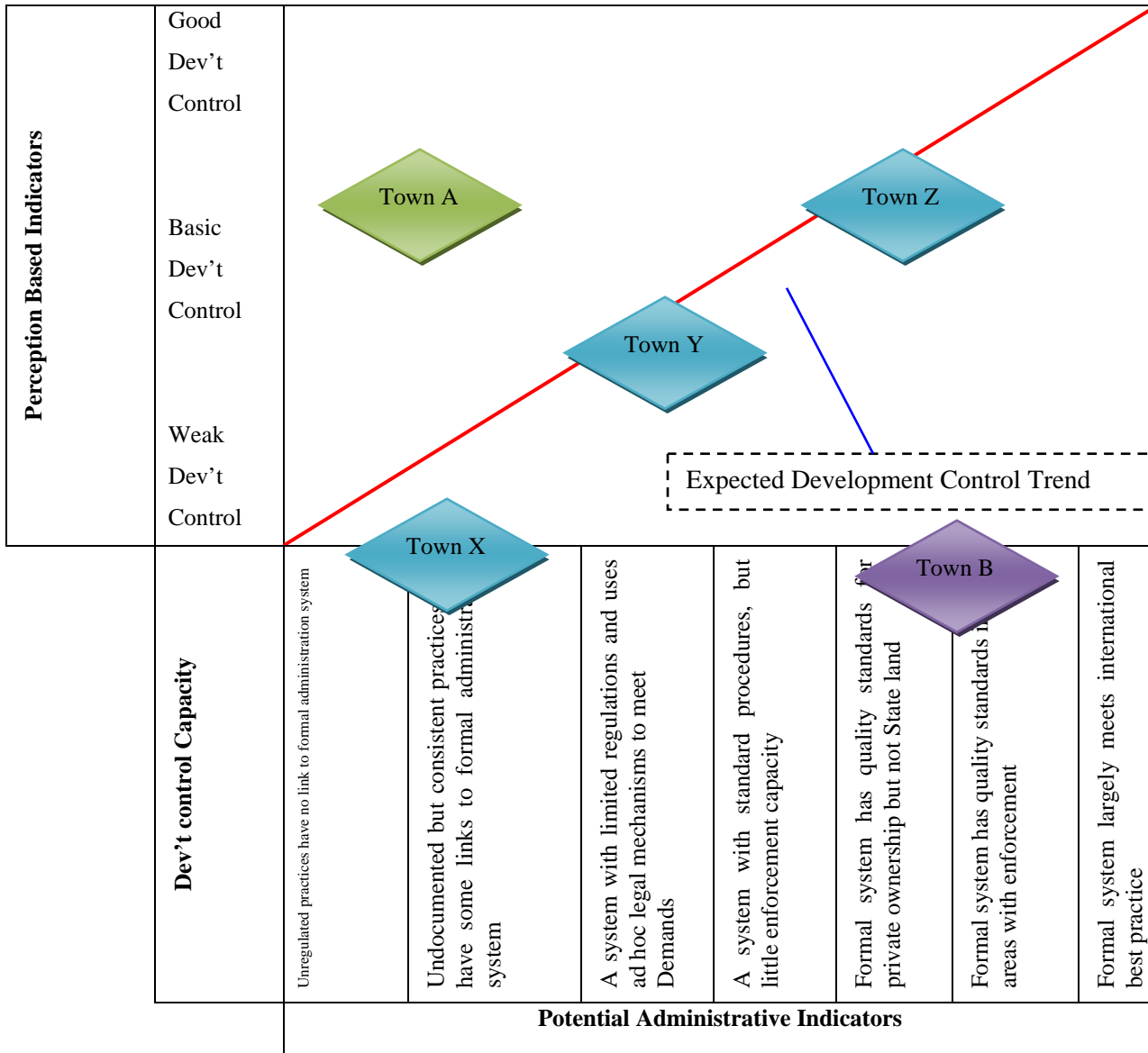
Institutional Framework

The overall goal of human settlements development is to ensure that all organized human activities within our cities, towns and villages are undertaken in a planned and spatially determined manner in order to bring about equity and enhance socio-economic development. Human settlements development policy will focus on spatial/land use planning and management; urban development and management; housing/shelter; slum upgrading and prevention; disaster prevention; institutional arrangements; hierarchy of human settlements; and rural development and management NDPC (2010). The development of the conceptual framework for the study began with a comprehensive review of land administration systems, both formal and informal and of recent project experience in strengthening land administration systems. This is done in relation to the overall goal of NDPC.

Development control in land administration certainly does not occur in isolation to other levels of development and a range of social, political and economic constructs. The main objectives and development of the indicators should not be considered solely in terms of land administration 'best practice', but what is achievable within the country context. Considered along a continuum that includes various stages of achieving good development control throughout land administration the framework should be approached as an assessment tool to highlight pragmatic and tangible reform strategies in the context of the stage of development of a particular country. While international best practice will be an end goal, it is not necessarily achievable in the short to medium term by many countries and therefore best practice standards should be carefully used as a comparative measure. Figure 3 illustrates this concept.

In figure 3, where the land administration system is prefaced as 'formal', this refers to a system that is bound by legal instruments, either customary or statutory, or both as in countries where a dual legal system operates. Between the potential administrative indicators, there could be a clear distinction to show a level of governance and control mechanisms.

Figure 3: Conceptual Framework for Development Control



Source: Adopted from Land Equity International (2008)

In Figure 3, Town A may be an example where there are strong perceptions of good development control, possibly supported by a socially cohesive society that operates with few, if any, formal administrative arrangement. This condition may prevail where the legal system does not reflect the realities of the social fabric. Similarly a strong system of control may be present but a significant proportion of the population are excluded from these systems, for example the residents in most informal settlements in many of the major cities in the developing world. In Figure 3, Town B may be an example of a country where corruption is rife and state capture in particular is largely unchecked. This will highlight situations where strategies are in place for disciplining powerful individuals, yet the strategy is poorly enforced and powerful individuals are still able to by-

pass the system. Additionally this refers to locations where there are strong, community accepted customary systems that are either not recognized by the formal system or are in conflict with the formal system which typically allows exploitation by an urban elite.

There are six land sector agencies involved in Ghana's involved in development control. These agencies have technically been operating manually in an environment beset with conflicting and unreliable linkage and collaboration (Karikari 2006). According to Karikari (2006) it is the fact that there are costs, delays and uncertainties as well as rent seeking behaviours in the system. Generally, details of flow-lines of information are seldom documented or monitored. Based on better management of information, substantial improvement within the lands sector can be brought about by analysing and costing existing procedures, abandoning unnecessary practices and making better use of existing resources through institutional arrangement.

The development control mechanisms provide tools through which planning goals and ideals are achieved. In relation to disaster risk reduction, it provides the tools with which disaster resistance plans are prepared and implemented. Land – use zoning and planning standards are the two main techniques for enforcement of development controls. The planning standards also have two main divisions. These are the prescriptive and the regulatory standards. The prescriptive standards are the guides or specifications used in dimensioning in the preparation of a disaster risk reduction plan or any development plan for that matter. The land – use zoning and planning standards are the key issues that will be related with the conceptual framework for development control in figure 3. This is to check the effects, challenges and prospects of development through landlords and physical planning agencies.

DEVELOPMENT CONTROL IN A RESILIENT SUSTAINABLE DEVELOPMENT

Growth approach of most African countries, since independence, has depended mainly upon the utilization of their natural resources. Over the past two decades sustainable development has been a major topic on the political agenda of governments and international organizations. The significance and approaches to sustainable development have been extensively discussed in international literature (Pearce, 1989; Morita, 1993; Reed, 1996; Murcott, 1997). The World Summit on Sustainable Development (WSSD) noted that the efforts to achieve sustainable development have been hindered by conflicts, insufficient investment, limited market access opportunities and supply side constraints, unsustainable debt burdens, historically declining levels of official development assistance and the impact of HIV/AIDS (ECA, 2003). The situation is aggravated by the deficient in land resources use and planning failures couple with overall inappropriate and weak enforcement of development controls. Concern about the environment, at the global and regional levels, has been highlighted by the continuing rapid growth of the world's human population which prompted rethinking of development agenda linking issues of sustainability to the more traditional concern for growth and equity. The rise in movements with environmental concerns has affected development decisions, planning and enforcement of development controls. The major concerns raised are in the areas of:

- Natural resources availability-water, land, forests and biological resources;
- Carrying capacity of natural resources; and
- Ecological changes affecting resource capacity such as ozone depletion, pollution, deforestation, bush fires etc.

Development initiatives have applied nature-conquering technologies on a massive scale with devastating effects on ecologically vulnerable countries. Tropical ecosystems around the world are being destroyed at a rate of 25 million acres per year due to weak and inappropriate enforcement of development control legislations. Most WB/IMF supported projects such as roads, Harbours, power plants, irrigation dams etc. have brought about environmental concerns. Environmental concerns now top of the global development agenda, with the challenge of balancing economic growth with environmental sustainability. In 1972, the Club of Rome's report on "The limits of Growth"-Warning to man, the Stockholm Conference on the "Human Environment" in 1972 which led to the establishment of UNEP, and the Cocoyoc (Mexico) Conference on "Patterns of Resource Use, Environment and Development Strategy" in 1974 by UNEP and UNCTAD all heightened critical environmental concerns including :

- Uneven spatial distribution of population relative to natural carrying capacities;
- International interdependencies in resource utilisation ; and
- The extent as well as degree of inefficient or irrational use of environmental resources.

What sustainability means may be dependent on one's political and ethical commitments, not some scientific standard (Bowersox & Gillroy, 2002; Owens & Cowell, 2002; Chan and Yung 2003). Sustainable development can be defined in technical terms as a development path along which the maximisation of human well-being for today's generations does not lead to declines in future well-being. Attaining this path requires eliminating those negative externalities that are responsible for natural resource depletion and environmental degradation. It also requires securing those public goods that are essential for economic development to last, such as those provided by well-functioning ecosystems, a healthy environment and a cohesive society (OECD 2001). In a world of limited resources the main issue from the integrated view is to reconcile present and future needs. Two forms of distributional justice have to be balanced: the inter-generational and the intra-generational. The former, justice between generations, is about securing freedom and options to exist and develop for the generations to come. The latter, justice within a generation, is about securing freedom and options to exist and evolve for today's world population. One is not to be achieved at the detriment of the other (UN 2008). It suggests that the problem of sustainable development can be 'solved' whereas in reality only specific issues can be resolved and managed. There always will be 'problems' and needs for change (Rammel and van den Bergh, 2003; Sartorius, 2003, Kemp and Parto 2005). One of the key ways to tackling environmental problems of the 21st century is enforcement (governance) of laws, regulations and procedures concerning land development control.

In developing countries there are indicators suggesting that the existing urban planning systems and governance structures are ill-equipped to cope with the anticipated sustainable development adaptations induced hazards including climate variability. However, there is lack of knowledge and information about the implications of urban land use planning and governance systems have on enhancing resilience to hazards associated to sustainable development. Poor enforcement of land development controls especially abuse and misuse of land use changes including changes of wetlands into residential, commercial, increasing problems of land use compatibility have created a notable concern in sustainable development.

RESULT, ANALYSIS AND DISCUSSION

Awareness of Development Control

Awareness of development control in Wa is the first step of the enforcement. 57 percent of the study population is aware of the existence of development control in Wa and 43 percent are not. This implies that there is the need for physical development agencies to intensify and strengthen through community awareness raising programmes and sensitization sessions. It is however imperative to note that 24 percent of developers see Wa Township in a stage of unregulated practices that have no link to formal administrative system of physical and spatial transformation in development control. On the contrary, 41 percent of the respondents observed Wa Township to be in a transitional stage of observing standard procedures, but with little enforcement capacity. From these observations the key issues emanating are low enforcement capacity and unregulated practices (Capacity and Regulations). These concerns are in the areas of: i) Improper location of industries, poor structural layout; ii) Weak institutions and collaboration; iii) No inspection of building and corrections; iv) Caliber of staff and their expertise v) Town planning ordinance, planning standards, building codes are not enforced; vi) Development takes place before the design of planning schemes; vii) Double plot registration; and viii) Education of their enforcement is low.

Fifty-seven (57 percent) of the study population is aware of the existence of development control in Wa such as Town planning ordinance, planning standards and building codes and at the same time have concerns of regulations and capacity to enforce. This suggests strong perceptions of good development control, possibly supported by a socially cohesive society that operates with few, if any, formal administrative arrangement. This condition prevails because the legal system does not reflect the realities of the social fabric. Similarly a strong system of control that present but a significant proportion of the population are excluded from these systems, for example the residents in most informal settlements in many of the major cities in the developing world. Of those that see Wa in the transitional stage perceives the town to have basic development control measure.

Awareness of Physical Planning Agencies

Developers are aware of the existence of New Lands Commission (with five divisions), Town and Country Planning Department and the Municipal Assembly. Developers are aware that they do title clearance and title registration, demarcation, surveys and property valuation with Lands Commission. They also do payment of building jackets and permit fees to the Assembly and building plans, site plans, town planning jacket and development approval with Town and Country Planning Department. Developers concerns are, however, in the following areas that impede development control: i) Monitoring and implementation of designed land use plans; ii) Enforcement of building codes and planning standards; iii) Enforcement of planning legislation; and iv) Bureaucracy in processing of permits and lease documents.

Majority (53 percent) of the respondents indicates that monitoring and implementation of designed land use plans is the main factor that impedes the enforcement of development controls. Also 29 percent are concerned about the enforcement building

codes and planning standards. The implementation of land use plans and planning standards are key challenges in the enforcement of development controls.

Principles of Development Control

Land use planning takes into consideration certain structural and spatial principles. Knowledge of developers on the existence and significance or otherwise is key to assessing the status of enforcement of development controls. Of eight principles considered (continuity of green space, accessibility to social services, continuity of movement, continuity of public space, concentration along routes, flexibility and land use intensity), developers are only aware of the existence of mechanisms to improve continuity of green space and accessibility to social services. There are no mechanisms with regards to enforcement of development controls that seek to ensure: i) Improve continuity of movement; ii) Improve continuity of public space; iii) Minimize concentration along routes; iv) Continuity of flexibility in accommodating future demand; and v) Minimize or maximize the land use intensity.

Enforcement of Development Controls-Challenges

*Functional Problems of Planning Legislations:*The National Development Planning Commission Act serves as an umbrella for all planning legislations at the national level. It has a clear cut mission with no ambiguities in its application. To a large extent, it has been biased towards economic policy with spatial issues being relegated to the background. It is within this premises that the country as of now has no working document on national settlement policy to streamline physical development in general. The bane of planning legislations in Ghana, however, has been the concurrent operation of the Act 462 and the CAP 84 with regard to the approval of plans. Whiles the Act 462 provides for the approval of plans to done by the Assembly, the CAP 84 provides that this should be done by the Minister in charge of Town Planning. The CAP 84 has not be repealed to allow for the operation of the Act 462, because the Act 462 is silent on schedules and regulations. *The operation of the two legislations side by side has led to a situation where smart developers capitalize on this loop hole to frustrate the efforts of local planning authorities in their stab to manage physical development.* Ghana has over years been passing bills and laws so rapid and fast that the mandates of these regulations overlap to an extent that interpretation and action initiatives are weak and inappropriate. According to the Town and Country Planning Department in Wa, the total number of permit applications received is less than 10 percent of the developments within each year. Table 2 gives a summary of building permits applications received from 2009 to 2011 by the Town and Country Planning Department.

Table 2: Building permit applications received in Wa

Year	Approved	Deferred	Rejected
2009	34	2	1
2010	37	4	3
2011	68	9	4

Source; Town and Country Planning Department, Wa, 2012

The reasons assigned for non-acquisition of permits include length of processing and ignorance. Developers who have building permits also expressed their frustration about the length of time that is required to acquire a permit. This goes to confirm the reason why some developers do not have permits. The implication is the high number of unauthorized developments in the Municipality.

Institutional Capacity

Town and Country Planning Department: Presently, in terms of staffing levels to man the Municipal Town Planning Department, the office has adequate staff in terms of professional planners, technical men and the secretarial staff. Unavailability of logistics in terms of vehicles and modern computer software like the Geographic Information System (GIS) is the bane of the department. This has resulted in the inability of the department to ensure effective plan preparation and implementation. The implication is the resultant high spate of unauthorized development and encroachment on public open spaces and government land. The department is forced to regularize some of these developments which are a prelude to even more indiscipline on the part of developers. Also record keeping is very poor in that computers that are available are very old and need replacement. Presently the system of record keeping is by the use of wooden cabinets, files and folders and even in an old fridge. This has led to the situation where development applications have gotten missing. Even more distressing is the cumbersome process one has to go through to retrieve files.

Building Inspectorate Unit: The Department is poorly resourced in terms of human resources and logistics to carry out its role. At present, the unit is being run by one geodetic and a single building inspector. They are being assisted by a part time architect. It is lamentable that the geodetic engineer in charge is his secretary, structural engineer and a quantity surveyor and all this work is carried out in a single office space. The logistics of the department is also nothing to write home about. The building inspector by nature is supposed to be mobile so that monitoring can be effectively carried out. This is to be done through the use of motorbikes and vehicles which are unavailable. From the human and logistical constraints of the Building Inspectorate Department, it is obvious that monitoring development control in general is ineffective if not impossible.

The problems of the department are worsening with the problem of the validity of some building permits. Accordingly, the department receives some building permits from the Town Planning Department and the whereabouts of the rest is hardly known. The department is, therefore, not clear which plans to receive and thus it is difficult to know who holds an authentic permit and who does not. This has resulted in a situation where officers are demoralized and thus do not want to undertake development checks on illegal constructional works. The department also lacks a legal capacity to prosecute offenders of development control regulations. Even if it does, the fines are small and minimal. The department development control measures such as “stop work notice” are not effective. Penalty on defaulters are small.

Municipal Assembly: Enforcement of development control by the Assembly is ethical issue in planning and development. Nature and extent of action in that regards should be decided by adding an incremental change in the desired direction to status quo. However, current institutional capacity of the Assembly and the bargaining process often address development

control against self image and private interest. The Assembly has fail to realise that it cannot optimized but on satisfying through successive approximations. Assembly is insensitivity to existing institutional performances capabilities: its reductionist epistemology; its failure to appreciate the cognitive limits of decision-makers, who cannot “optimize” but only “satisfies” choices by successive approximations. Development control decisions should be justified by their ability to bring the greatest happiness to the greatest number (Effects on the Balance of General Happiness). In reality the assembly does not even have capacity to enforce development controls such as urban renewals and demolition exercises mainly because of political interest and protection of self image.

Lands Commission: The new Lands Commission comprises the Survey and Mapping Division, Public and Vested Lands Management Division, Land Valuation Division, Land Title Registry Division and Office of the Administrator of Stools Lands. With reference to Survey and Mapping Division, its key role in development controls it so prepare good and accurate base maps and do proper demarcation. It is however, sad to note that the influx of unprofessional surveyors and inappropriate machines has cause a lot of physical problem in town. This has resulted in people developing on roads and water ways. With reference to Land Title Registry Division, poor records keeping have resulted in double plot registration with different names. In this regards, ownership and title to land cannot be ascertained within certainty which is a precondition for obtaining a development and building permit.

Institutional Collaboration: The broad objectives of the decentralisation planning and local governance system are to promote power sharing, rational resource allocation, installation of adequate capacity at the district level for effective and efficient management, and also reduce the reliance of local government on central government. The Decentralisation process in Ghana is however still evolving. In the context of the evolving decentralisation sector in Ghana, decentralised departments need to collaborate with each other for successful national development. The institutional collaborations that strengthen decentralization are often being described as weak or inappropriate in Wa. There are clear evidence of mismatch, overlapping and duplication of mandates. The human factor in decentralised planning plays a key role in enforcement of development control. It is however, punitive to note that bribery and corruption on the part of officials is still at its ascendancy.

Public Ignorance

The level of awareness of planning legislations and development control initiatives is low in the Municipality. Until recent times, land sector agencies have not intensified their education of development control. The general public is left the mercy of “I heard that”, “I thought” and “I don’t know”. This has perverted and warped the effort of planning authorities in enforcing development controls. Most developers are not aware that they need to acquire development and building permits before any development. The roles and mandates of the planning institutions are not even clear to developers. For instance whether Town Planning should receive and issue permits or the Building Inspectorate Unit. Developers are left in limbo between the two sides of the divide and this seems to be beginning of their frustrations in their endeavor to comply with development control initiative. This accounts for the development failures in the Municipality and hence a key challenge to the enforcement of development controls.

Effects of Development Control

Site Inspection and Supervision: Section 10(1) of the National Building Regulations (1996) requires that, a developer shall give notice to the District Planning authority at least forty eight hours before the commencement of development and dates to which the various stages of construction will take place. This is to make for the inspection of the site of building, demarcation of site of the plot, foundation and other structural requirements. From the field survey, it was revealed that, the 90 percent of respondents who had permits to their development did not at any stage of their construction work had site inspection and supervision. The survey also revealed that 20 percent of landlords did make changes to their residential buildings to accommodate additional uses which were all commercial. Even though the commercial uses is on a retail basis and thus not necessarily conflicting with the residential uses, the danger is that there might be the need for expansion in the future which has not being originally planned for in the layout. In addition to the future space requirements, the proliferation of the commercial activities, imply a probable increase in waste generation which has not been catered for. It is therefore not uncommon to find plastic waste littered around and in inappropriate places such as gutters in some suburbs which are experiencing a proliferation of commercial uses within residential suburbs. This goes a long way in destroying the aesthetic quality of the environment which development control seeks to promote. None of the landlords in this category applied for a permit. This is attributable to the lack of building inspectors and structural engineers as well as the ill-resourced nature of the Building Inspectorate Unit. The lack of inspection can result in the spread of sub-standard housing and site of buildings at inappropriate places such as waterways. This is particularly alarming because the Municipality is occasional hit by torrential rains and amidst inadequate vegetation cover, exposing buildings to destruction.

Impact on Aesthetics: Currently, there is a growing need of space for use of kiosks and “containers” for use by small scale businesses such as retail shops, food joints, street vending in the Central Business District. This has resulted in the taking up of any available space in for pedestrian walkways and road islands. These commercial activities generate a lot of waste and since their waste needs have not been planned for, it has led to the littering of the environment. Food vendors are the worst victims, as they have literally turned gutters in the Municipality into refuse dumps. As mentioned earlier, the proliferation of commercial activities within the main residential suburbs has resulted in the littering of the environments there. All these tend to mar the beauty of the environment.

Accessibility and provision of utilities: Due to the taking up of pedestrian walkways and road islands, accessibility within the areas of inner ring road is greatly impeded resulting in pedestrian vehicular conflict. In development control, road reservations are left for future expansion of roads and also for the provision of public utilities. Presently, rights of ways are being encroached upon with impunity especially in the residential zone within the outer ring road. A case in point is encroachment on road reservation from Police Station off upland corridor. The developers in question are asking for huge compensation before they will relocate. This has led to the temporal stalling of the activities of Bi-water, a utility service provider as it wants to lay its pipes. The above case typifies the consequences that can result when zoning regulations are not followed. This not only imposes huge financial cost to the Assembly, but the entire community is denied an early delivery of water. Even though the developments in question are illegal, and they have not been demolished due to the political

consequences involved. This hitherto could have been avoided if regulations were duly enforced well. The unauthorized natures of developments have resulted in sprawling of especially fringe area. All these have resulted in the lack of utilities like water and electricity due to high cost implications.

Unauthorised land uses: Unauthorized developments for residential purposes in the areas outside of the inner ring road have had dire consequences on other land uses, the worst of these is open spaces and government lands. According to the Municipal Town Planner, and open spaces are the first to be encroached on. This is especially true with open spaces designated for future use. This was partly attributed to greed of some chiefs who knowing very well the land is to be used as open space still give it out to developers. The Town Planning Department under this circumstance is forced to regularize the use.

Building Regulation: The lack of enforcement of development control has resulted in the flouting of building requirements with regard to the site of buildings and the structural requirements. This has resulted in developers building in water ways, high tension lines and constructions of buildings with sub standard materials. According to the Building Inspectorate Unit, about 10 structures were partly destroyed due to poor site and use of sub standard materials in the market storm drain. From the foregoing analysis, it is very evident that these non-conforming uses will impact negatively on sector layouts thus will derail the overall plan implementation programme as well as physical development. This is because the Town Planning Department will find it difficult to monitor the pace of physical development, make projections and subsequently advice the Assembly on matters relating to that. *There are three instruments of development control namely legislation, Planning and approval process and Monitoring and evaluation.* The legislation seeks to explain the statutory framework within which powers of development control are to be exercised. It spells out the rules, regulations and laws within which development control can take place and legal backing. It bridges the gap of what ought to be done and what ought not to be done in planning. Also, planning and approval processes deals with acquisition of land title, development permits, design of planning schemes and surveying. Monitoring and evaluation describes site and building inspection, enforcement notices and stop work notice.

Rapid population growth as a result of in-migration into the town (as a peripheral community) is a major factor to the rapid spatial growth of the town. This was a major hindrance to the preparation of scheme or layout. Planning usually takes precedents of development, however, the reverse existing in Wa. The absence of a scheme or layout in most parts of the town has also contributed to haphazard development of most areas such as Bamahu. That is, since development of the town preceded the planning of the town, there were no schemes or layouts to guide or direct the spatial development of the town. This situation has also contributed to the awkward developments in the town. The key institutional arrangement and systems to solve the problems are incapacitated. The rules, regulations and laws are weak and inappropriate for offends of 21st century. There has not been any major review in planning legislations as far as development control is concerned.

With respect to permit acquisition, most of the people are not aware with requirements and the processes involved. These in a way have probably contributed to the higher percentage of people neglecting their duty of acquiring a lease and even further getting a permit before building. In issuance of permit, it took the four (4) applicants more than the ideal duration of three (3)

months in acquiring permit. This was probably due to the irregularities of statutory planning committee meetings. This results in people building without permit after submission of application. The frustrations people go through does not give enable environment to comply with planning legislations and development control initiatives. It was also realized that most people developing without permit go unpunished. This is probably due to the weak enforcement of planning regulations and also ineffectiveness of the monitoring team (Task Force/Building Inspectorate) of the Office of the City Engineer which is as a result of insufficient resources like the vehicle. This situation in a way has contributed to the rapid spatial development and unauthorized structures in the town. Collaboration and the cooperation among the institutions responsible for ensuring development control in the city are not effective and this has affected the development of some areas in their jurisdiction.

Inadequate personnel and logistics are prominent in the institutions responsible for controlling development in Wa, especially in the Town and Country Planning Department and City Engineers Department of the Municipal Assembly and the land sector agencies. Lacks of base maps for certain areas of the town make it impossible for the preparation of layouts for those areas though there is a high demand for plots. There is also a lack basic drawing materials such as rapidographs, tracing papers and set squares not to mention computers and software programmes. They also lack vehicles and other related tools for routine inspection for on-going building projects and demolition of unauthorized structures. It is quite clear during the study that, due to the high degree of public ignorance on the intentions and importance of all the efforts being put in place to control development, the Assembly has not been receiving the needed co-operation in the preparation and implementation of planning schemes. This situation makes it extremely difficult to get the values of the people for incorporation in the design of the scheme. All these in no small ways tend to inhibit efforts of controlling development.

RECOMMENDATIONS

Institutional capacity building

It is an open secret that the success or failure of any development management effort depends to a very large extent on how adequately the responsible agencies and department are equipped with the right number and quality of personnel and logistics to rise up to the challenge. Specifically, the staff of the Building Inspectorate division should be improved to at least meet the minimum staff requirement. Town Planning should be given necessary logistics to operate.

Adequate quantity and quality of logistics such as drawing equipments, stationery, vehicles for routine inspections and bulldozers should be made available to these departments to enhance their work. Furthermore, the government should make it a point to equip the Town Country Planning Department with modern technology for urban planning design and management such as Geographic Information System. In-service training should also be organized for practicing Town and Country Planning Officers in these programmes to upgrade their skills in order to make them capable of meeting the challenges of the ever-increasing complexities of urban development and management problems.

Again in response to the inability of building inspectors to read and interpret the planning layouts they seek to enforce, it is hereby of importance that the relevant statutes should be amended to place building inspectorate division as a unit under the Town and Country Planning Department for effective training, directing and supervision.

Intensification of planning education

The success of development control effort will depend to a very large extent on the active participation of the general public both in the preparation and implementation of the planning layout and legislations. This calls for an intensive planning education to sensitize the public on the need to ensure a well controlled, coordinated and harmonious spatial development. This can be done through the various radio stations and through public forum organized by the various assembly men and assembly women in the respective localities. Also, the issue of the gazette displayed in communities should be re-introduced for public education on how their communities are to develop. In addition, planning education should be introduced in academic curricula from the senior high schools to reduce the level of ignorance.

Restructure the development application process

In order to prevent frequent interruption in the meeting schedule of the technical sub-committee hence leading to delays in the approval of permit application, it is hereby recommended that the statutes should be amended. All development applications should be received by Town and Country Planning. The political atmosphere at the Assembly makes it unsafe for it to receive application. The political interference makes it difficult to enforce development controls. Again such an arrangement will grant the committee some freedom from political and general external interference and able to work purely according to the dictate of his professional training and without fear or favour. Unlike the Assembly whose decisions are often intervened by political considerations especially when it comes to issues of enforcing sanctions against unauthorized development, they are limited in exercising their power and using the professional ethics.

Enforcement of sanctions

Sanctions such as heavy fine, imprisonment and demolition should be carried out within the framework of planning legislations once defaulters have failed to show sufficient reasons. In respect to fines particularly, it is high time the statutes are amended to make the fine reflect existing economic situations to deter developers. For an effective legal action to be taken against defaulters of the law there should be separate court system to deal with such situations to prevent delays especially on the part of the enforcing agencies. This calls for review of major planning legislations and the adoption of human settlement and housing policy.

Strengthen co-ordination between agencies

There is also the need to ensure maximum cooperation and collaboration between all department and agencies whose work and activities impact directly on the physical development of the town. It is highly recommended that the various departments and agencies especially with the traditional authority compliment the activities of each other to help curb the situation of land dispute and haphazard development. Also, to prevent the reluctance of people acquiring permits due to the financial burden, payment for the purchasing of land and the documentation of land title should be engulfed together.

Holistic legal document for development control

Due to different legal instruments directing how development should be controlled it is being recommended that all the legal documents should be reviewed and documented into one comprehensive document.

Restructure framework of operation

The three instruments of development control namely legislation, Planning and approval process and Monitoring and evaluation requires public sensitization. There is the need for development control agencies to interpret the planning legislations, prepare and implement planning schemes and Monitoring and evaluation activities.

CONCLUSION

Development control is a mechanism for ensuring orderly and coordinated implementation of land use plans. The aim of development control is to ensure that the pattern and nature of proposed development on the land falls within policies set out in the development plan and follows legislation and guidance as set out in planning policy guidance statements. The desire is to allow for orderly environment that will meet the requirements for ideal living. Urban planning standards in Ghana have a historical evolution on the use and adoptability regarding master plans and land regularization planning approaches for effective urban land management in human settlements. According to Magigi and Majani (2005) the evolution and adoptability of planning standards observed are influenced by changes in socio-economic and investment aspirations in urban settlements. These standards also seem to influence upgrading of infrastructure facility and utility in view of design, supply, demand and management in informal settlements. The enforcement of these standards has being short lived. Development controls are now described as weak or inappropriate.

It is hoped that due concerns raised should be given optimum attention both at the Central and Local Government levels, it will go a long way to greatly improve urban management capacities and ultimately result in the improvement of the urban physical environment to make way for aesthetics, safety, efficiency, economy, harmony and as well sustainability of the environment or settlements and ultimately, the well being of their inhabitants. The study found out that institutional capacity enforcement is weak and planning education is weak. It is therefore recommended that there should be capacity development of land sector agencies and planning education on development controls in Wa.

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ABOUT THE AUTHORS:

Abubakari Ahmed and Romanus Dogkubong Dinye: Centre for Settlement Studies, Kwame Nkrumah University of Science and Technology, Kumasi